

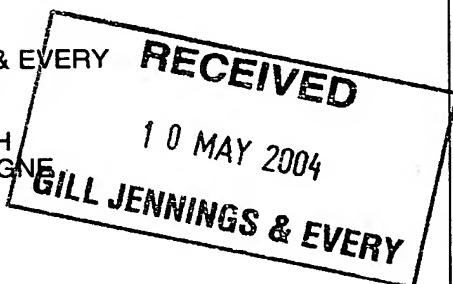
PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

GILL JENNINGS & EVERY
Broadgate House
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GRANDE BRETAGNE



NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

07.05.2004

Applicant's or agent's file reference
MJB07115WO

IMPORTANT NOTIFICATION

International application No.
PCT/GB 03/00432

International filing date (day/month/year)
31.01.2003

Priority date (day/month/year)
01.02.2002

Applicant
ORIGGIO LIMITED ET AL.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 11 MAY 2004

WIPO PCT

Applicant's or agent's file reference MJB07115WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/00432	International filing date (day/month/year) 31.01.2003	Priority date (day/month/year) 01.02.2002
International Patent Classification (IPC) or both national classification and IPC G11B33/04, G11B33/04		
Applicant ORIGGIO LIMITED ET AL.		



- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 19.08.2003	Date of completion of this report 07.05.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Declat, M Telephone No. +31 70 340-2489 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/00432**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-7 received on 10.03.2004 with letter of 09.03.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/00432**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-7
Inventive step (IS)	Yes: Claims	
	No: Claims	1-7
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1) Reference is made to the following documents:

- D1: FR-A-2 759 882 (FORS FRANCE SA) 28 August 1998 (1998-08-28)
- D2: WO 97 12365 A (CIECHANOWSKI STANISLAS) 3 April 1997 (1997-04-03)
- D3: WO 97 21221 A (AGRO ANGELO ;DECAM PATRICK (BE);
WONDERTIMES (BE); VERVOORT MICHEL) 12 June 1997 (1997-06-12)
- D4: DE 200 02 686 U (ADILI MEHRAN YASCHAR) 18 May 2000 (2000-05-18)
- D5: DE 299 23 055 U (ANDREAS DIRK) 10 May 2001 (2001-05-10)

2) The present application does not satisfy the criterion set forth in Article 33(2)PCT, because the subject-matter of claims 1-7 is not new in respect of prior art as defined in the regulations (Rule 64(1)-(3)PCT), for the following reasons:

- 2.1) Document D1 discloses, as in independent claim 1 of the application, a method of packaging a consumer product, the method comprising the steps of:
- providing a container having a housing and, disposed therein,
an audio integrated circuit (9,10,13) capable of converting digital audio data into electrical audio signals;
 - a memory (9,10,13,20) connected to or integral with the audio integrated circuit for providing digital audio data to the audio integrated circuit;
 - an input (50) connected to the memory through which digital audio data can be uploaded to the memory;
 - a transducer (11,12) for receiving electrical audio signals from the audio integrated circuit and reproducing corresponding sound signals therefrom;
 - a battery (14) connected to power the audio integrated circuit and the transducer;
 - and
 - a manually actuable switch (15,16) for causing the audio integrated circuit to operate to receive digital audio data from the memory and to provide electrical audio signals to the transducer for reproduction of audio material;
 - inserting a consumer product into the container (see e.g. page 3, lines 6-15, or page 4, lines 27-31); and

uploading to the memory (see e.g. page 7, lines 12-16, or page 8, lines 1-8), via the input terminal, digital data for output via the speaker and pertaining to the contents of the consumer product; and
sealing the container (see e.g. page 1, line 11, or page 4, lines 27-31).
See document D1, in particular: page 1, lines 15-19; page 4, line 24 to page 9, line 33; figures. The references in the claim refer to document D1.

2.2) Furthermore, also documents D2-D5 disclose the subject-matter of independent claim 1.

See document D2, in particular: page 3, line 21 to page 11, line 4; abstract; figures.

See document D3, in particular: page 3, line 10 to page 5, line 20; abstract; figures.

See document D4, in particular: page 3, line 23 to page 6, line 11; abstract; figures.

See document D5, in particular: pages 2-4; claims 1-8.

2.3) The added features of dependent claims 2-7 are also known from the cited documents, or at least obvious therefrom (claim 2); see in particular document D1 for all the claims.

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of:

5

providing digital audio data to the audio integrated circuit;

10

integrated circuit and reproducing corresponding sound signals therefrom;

15

signals to the transducer for reproduction of audio material;

inserting a consumer product into the container, and

20

sealing the container.

25

30

is a CD or DVD.

5. The method according to claim 4, wherein the digital data comprises excerpts from each of the tracks on the CD.

6. The method according to claim 4, wherein the digital data comprises excerpts from the soundtrack of the DVD.

7. The method according to any claims 1 to 6, wherein the input terminal comprises an RF transceiver.